88R8248 JRR-D

By:  Lozano H.B. No. 3934

A BILL TO BE ENTITLED

AN ACT

relating to the operation of vehicles transporting iron or steel products; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 621.102(d), Transportation Code, is amended to read as follows:

(d)  A vehicle operating under a permit issued under Section 623.011, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, 623.212, [~~or~~] 623.321, or 623.451 [~~as added by Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature, Regular Session, 2013,~~] may operate under the conditions authorized by the permit over a road for which the executive director of the Texas Department of Transportation has set a maximum weight under this section.

SECTION 2.  Section 621.301(e), Transportation Code, is amended to read as follows:

(e)  A vehicle operating under a permit issued under Section 623.011, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, 623.212, [~~or~~] 623.321, or 623.451 [~~as added by Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature, Regular Session, 2013,~~] may operate under the conditions authorized by the permit over a road for which the commissioners court has set a maximum weight under this section.

SECTION 3.  Sections 623.012(a) and (b), Transportation Code, are amended to read as follows:

(a)  An applicant for a permit under Section 623.011, other than a permit under that section to operate a vehicle loaded with timber or pulp wood, wood chips, cotton, or agricultural products in their natural state, and an applicant for a permit under Section 623.321 or 623.451 shall file with the department:

(1)  a blanket bond; or

(2)  an irrevocable letter of credit issued by a financial institution the deposits of which are guaranteed by the Federal Deposit Insurance Corporation.

(b)  The bond or letter of credit must:

(1)  be in the amount of $15,000 payable to the counties of this state;

(2)  be conditioned that the applicant will pay a county for any damage to a road or bridge of the county caused by the operation of the vehicle:

(A)  for which the permit is issued at a heavier weight than the maximum weights authorized by Subchapter B of Chapter 621 or Section 621.301, [~~or~~] 623.321, or 623.451; or

(B)  that is in violation of Section 623.323 or 623.453; and

(3)  provide that the issuer is to notify the county and the applicant in writing promptly after a payment is made by the issuer on the bond or letter of credit.

SECTION 4.  Chapter 623, Transportation Code, is amended by adding Subchapter W to read as follows:

SUBCHAPTER W. VEHICLES TRANSPORTING IRON OR STEEL PRODUCTS

Sec. 623.451.  PERMIT. (a) The department may issue a permit under this subchapter, as an alternative to a permit issued under Section 623.011, authorizing a person to operate a vehicle or combination of vehicles that is being used to transport indivisible loads of iron or steel products, including scrap iron and steel and iron and steel recycling material, in a county producing more than 100,000 tons annually of iron products, steel products, or a combination of iron and steel products, as determined by the department, at the weight limits prescribed by Subsection (b).

(b)  A person may operate over a road or highway a vehicle or combination of vehicles issued a permit under this section at a gross weight that is not heavier than 96,000 pounds, if the gross load carried on any tandem axle of the vehicle or combination of vehicles does not exceed 44,000 pounds.

(c)  Section 621.508 does not apply to a vehicle or combination of vehicles operated under this section.

(d)  The department shall annually update the number of counties described by Subsection (a).

Sec. 623.452.  QUALIFICATION; REQUIREMENTS. (a) To qualify for a permit under this subchapter for a vehicle or combination of vehicles, a person must:

(1)  pay a permit fee of $900;

(2)  designate in the permit application the counties described by Section 623.451(a) in which the vehicle or combination of vehicles will be operated; and

(3)  satisfy the security requirement of Section 623.012.

(b)  A permit issued under this subchapter:

(1)  is valid for one year; and

(2)  must be carried in the vehicle for which it is issued.

Sec. 623.453.  NOTIFICATION. (a) For purposes of this section, "financially responsible party" means the owner of the vehicle or combination of vehicles, the party operating the vehicle or combination of vehicles, or a person that hires, leases, rents, or subcontracts the vehicle or combination of vehicles for use on a road maintained by a county or a state highway.

(b)  Before a vehicle or combination of vehicles for which a permit is issued under this subchapter may be operated on a road maintained by a county or a state highway, the financially responsible party shall execute a notification document and agree to reimburse the county or the state, as applicable, for damage to a road or highway sustained as a consequence of the transportation authorized by the permit. At a minimum, the notification document must include:

(1)  the name and address of the financially responsible party;

(2)  a description of each permit issued for the vehicle or combination of vehicles;

(3)  a description of the method of compliance by the financially responsible party with Section 601.051, 623.012, 643.101, or 643.102;

(4)  the address or location of the geographic area in which the financially responsible party wishes to operate a vehicle or combination of vehicles and a designation of the specific route of travel anticipated by the financially responsible party, including the name or number of each road maintained by a county or state highway;

(5)  a calendar or schedule of duration that includes the days and hours of operation during which the financially responsible party reasonably anticipates using the county road or state highway identified in Subdivision (4); and

(6)  a list of each vehicle or combination of vehicles by license plate number or other registration information, and a description of the means by which financial responsibility is established for each vehicle or combination of vehicles if each vehicle or combination of vehicles is not covered by a single insurance policy, surety bond, deposit, or other means of financial assurance.

(c)  A financially responsible party shall electronically file the notification document described by Subsection (b) with the department under rules adopted by the department not later than the second business day before the first business day listed by the financially responsible party under Subsection (b)(5). The department shall immediately send an electronic copy of the notification document to each county identified in the notification document and the Texas Department of Transportation and an electronic receipt for the notification document to the financially responsible party. Not later than the first business day listed by the financially responsible party under Subsection (b)(5), a county or the Texas Department of Transportation may inspect a road or highway identified in the notification document. If an inspection is conducted under this subsection, a county or the Texas Department of Transportation shall:

(1)  document the condition of the roads or highways and take photographs of the roads or highways as necessary to establish a baseline for any subsequent assessment of damage sustained by the financially responsible party's use of the roads or highways; and

(2)  provide a copy of the documentation to the financially responsible party.

(d)  If an inspection has been conducted under Subsection (c), a county or the Texas Department of Transportation, as applicable, shall, not later than the fifth business day after the expiration of the calendar or schedule of duration described by Subsection (b)(5):

(1)  conduct an inspection described by Subsection (c)(1) to determine any damage sustained by the financially responsible party's use of the roads or highways; and

(2)  provide a copy of the inspection documentation to the financially responsible party.

(e)  The state or a county required to be notified under this section may assert a claim against any security posted under Section 623.012 or insurance filed under Section 643.103 for damage to a road or highway sustained as a consequence of the transportation authorized by the permit.

Sec. 623.454.  DISPOSITION OF FEE. Of the fee collected under Section 623.452 for a permit:

(1)  50 percent of the amount collected shall be deposited to the credit of the state highway fund; and

(2)  the other 50 percent shall be divided equally among all counties designated in the permit application under Section 623.452(a)(2).

Sec. 623.455.  TIME OF MOVEMENT. A permit issued under this subchapter must specify the time during which movement authorized by the permit is allowed.

Sec. 623.456.  SPEED LIMIT. Movement authorized by a permit issued under this subchapter may not exceed the posted speed limit or 55 miles per hour, whichever is less. A violation of this provision constitutes a moving violation.

Sec. 623.457.  INTERSTATE AND DEFENSE HIGHWAYS. (a) This subchapter does not authorize the operation on the national system of interstate and defense highways in this state of a vehicle of a size or weight greater than those permitted under 23 U.S.C. Section 127.

(b)  If the United States authorizes the operation on the national system of interstate and defense highways of a vehicle of a size or weight greater than those permitted under 23 U.S.C. Section 127 on September 1, 2023, the new limit automatically takes effect on the national system of interstate and defense highways in this state.

SECTION 5.  This Act takes effect September 1, 2023.